

MOUNTAIN COUNTIES WATER RESOURCES ASSOCIATION

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September 19, 1995

State Water Resources Control Board
901 P Street
P.O. Box 100
Sacramento, CA 95812-0100

Re: Notice of Public Workshop:
Development of a Water Right
Decision to Implement Requirements
for the San Francisco Bay/Sacramento-
San Joaquin Delta Estuary

Dear Board Members:

These comments are submitted to the SWRCB on behalf of the Mountain Counties Water Resources Association in connection with the above-captioned Notice of Public Workshop, and we ask that they be made a part of the administrative record in this proceeding.

The Membership of the Mountain Counties Water Resources Association (Mountain Counties or Association) includes the counties, and water districts and agencies, as well as private financial, engineering, legal consultants, and public utilities that serve the "Foothill" or "Mother Lode" region of California.

Mountain Counties filed comments dated February 23, 1994 with the Board concerning the Board's consideration of the Bay/Delta Water Quality Control Plan and we hereby incorporate those comments by reference and attach them hereto. Those comments outlined the interests and concerns of the Mountain Counties as to the possible impacts of the Board's proceedings on the water rights of the Association's public agency members.

The Board's Notice states that the two major Delta diverters are the SWP and CVP, but that "[n]umerous other water storage and diversion projects influence the inflows and outflows from the Bay/Delta Estuary." (p. 1-2).

While the Notice indicates that with the exception of the SWP, CVP, and those water rights holders with standard water right term 91, no other water users have been required to take any action for the purpose of implementing existing requirements. (p.2) However,

the Board indicates that under the provisions of the Code, the California Constitution, and the public trust doctrine that it has continuing authority to modify existing rights to meet Bay/Delta requirements.

The Notice states that the Board's water rights decision will allocate responsibility to meet these requirements, and that issues which must be addressed in that regard are water right priorities, the area of origin statutes, and responsibility to mitigate the effects on public trust uses of individual diversions. Further "[t]he SWRCB solicits recommendations regarding methods to determine responsibility of individual diverters." (p.3)

We understand that there are negotiations on-going between major water user groups which may result in a practical solution to Bay/Delta environmental water needs, and we certainly hope a solution can be reached which does not result in the water future of our Region being unfairly compromised.

Mountain Counties previously set forth in its Comments of February 23, 1994 the reasons the Board should interpret and enforce the area and county of origin statutes in a manner which reflects the intent of those statutes, and which will in actuality protect their right to avail themselves of the use of water originating within their own geographic boundaries.

The Mountain Counties, which to date have used such a small portion of the water arising within their borders, should not lose the water they need, or have to pay an inordinate price for water, through the imposition of expensive water quality requirements, when the responsibility for any environmental mitigation should justifiably lie with those who have been the major cause of the environmental impacts.

We have already lost the bulk of our water supplies to other downstream agricultural and urban users. The SWP and the CVP are obvious examples, but there are many others, including San Francisco's Hetch Hetchy, East Bay MUD's Pardee and Comanche Dams on the Mokelumne, Foothill reservoirs of valley irrigation districts, and numerous reservoirs built by private electric utilities. We are not urging our exclusive use or a balkanization of the resource, but we merely need a fair portion to meet the existing and future needs of our Region.

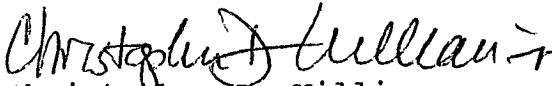
Our Region is generally growing faster than other regions of California and our population swells during vacation seasons as people downstream surge up the hill to take advantage of the Region's natural resources. Historically our Region has contributed vast amounts of water, timber, and minerals to the State's economy and general welfare. Today it contributes primarily water and recreation, but the Region seems destined to receive less than a fair return for its contribution.

New environmental requirements and the fact that the most economical storage resources have already been built will make development by the Mountain Counties of additional water resources very expensive -- we will not have the advantage of the economical supplies built many years earlier. The situation is also made difficult by our relatively small population which results in the per capita costs of water supply or water quality measures being very high. We urge that the situation not be made worse for us by any action the Board may take in this proceeding.

It would simply be unfair to impose the costs of present day environmental sensibilities on the Mountain Counties by limiting their supplies or increasing the cost of their future water development to solve an environmental problem they did not create.

We are asking for the Board's protection. We are asking the Board to honor county of origin and watershed protection statutes to the fullest extent possible, and in a manner which recognizes our past and continuing contributions, and our future needs.

Respectfully submitted,


Christopher D. Williams
Executive Director

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